

Office of the Attorney General
State of Tennessee

*1 Opinion No. 94-007
January 13, 1994

911 board's appropriation of funds for aid to local governments

Honorable Anna Belle O'Brien
State Senator
Suite 10, Legislative Plaza
Nashville, TN 37243-0212

QUESTION

May a 911 board appropriate and spend funds for aid to local governments impacted by the implementation of a 911 system? For example, a local highway department expense to acquire road signs for roads heretofore unsigned.

OPINION

This Office reaffirms Op.Tenn.Atty.Gen. U93-19, which opined that the board of directors of an emergency communications district does not have the authority to spend district funds for the acquisition and installation of road signs. Other examples of possible expenditures must be examined on a case by case basis.

ANALYSIS

The General Assembly has enacted the Emergency Communications District Law, which is codified at T.C.A. §§ 7-86-101, et seq. In order to create an emergency communications district, the legislative body of a municipality or county must first create the district by ordinance or resolution, and the question "for" or "against" is submitted to the voters within the district's proposed boundaries. T.C.A. § 7-86-104. After its creation, an emergency communications district is deemed to be a municipality, and its powers are vested in a board of directors. T.C.A. § 7-86-106. This board is commonly called a 911 board because the Emergency Communications District Law is the means through which the Legislature has acted to establish the number 911 as the primary emergency telephone number in Tennessee. See generally, T.C.A. § 7-86-102 (statement of legislative intent).

This Office issued an opinion February 26, 1993, opining that the board of directors of an emergency communications district does not have the authority to expend district revenues for the acquisition and installation of highway, road, and street signs. Op.Tenn.Atty.Gen. U93-19 (Feb. 26, 1993) (copy attached). After

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this opinion, the Emergency Communications District Law was amended by Chapter 479 of the Public Acts of 1993, which became effective July 1, 1993. Section 1 of Chapter 479 added the language now found at T.C.A. § 7-86-102(c):

It is the intent that all funds received by the district are public funds and are limited to purposes for the furtherance of this part. The funds received by the districts are to be used to obtain emergency services for law enforcement and other public service efforts requiring emergency notification of public service personnel and the funds received from all sources shall be used exclusively in the operation of the emergency communications district.

Under this language, we reaffirm our opinion as expressed in Op.Tenn.Atty.Gen. U93-19 that the Emergency Communications District Law does not authorize a 911 board to spend district funds for the acquisition and installation of road signs. This conclusion is supported by the legislative history of Public Chapter 479. When the House of Representatives first passed the legislation (HB 1362), it would have allowed 911 boards to spend funds for the purchase and installation of highway, road, and street signs. When the bill passed the Senate on May 17, 1993, however, it was amended to delete those provisions. The House concurred in the Senate amendment on May 18, 1993. (Tape H-107 and Senate Message Calendar for House consideration on May 18, 1993, on file at the State Library and Archives). Whether a 911 board is authorized to make other possible expenditures must be examined on a case by case basis.

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Note

TO RETRIEVE THE FULL TEXT OF THE ATTACHED OPINION(S) SET FORTH AT THIS POINT,
ENTER THE FOLLOWING FIELD SEARCH:

CI(U93-19)

Tenn. Op. Atty. Gen. No. 94-007, 1994 WL 88761 (Tenn.A.G.)

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